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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,834	12/14/2000	Gregory Donald Troxel	00-4043	7041

32127 7590 06/08/2004

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EXAMINER

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/736,834

Applicant(s)

TROXEL ET AL.

Examiner

Michael S. A. Delgado

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,654,359 by La Porta et al.

In claim 1, La Porta teaches about a method for use in delivering network messages, the method comprising (Fig 17):

(a) receiving at a router “R8” on a first sub-network (BS11, BS12) a network layer address for a first node “IP address for mobile device 144” on the first sub-network, the first sub-network being a topologically foreign sub-network “new base station” with respect to the network layer address of the first node (Fig 17) (Col 28, lines 25-55);

(b) attempting to notify a home agent on the first node's topological home sub-network of the network layer address of the first node (Col 9, lines 1-15); (For tunneling to take place in this scenario there had to be some exchange of information as to the new location of the mobile device).

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(c) receiving at the router a message “path setup message” having a network layer destination address of the first node “IP address for mobile device 144”, the message being received from a second node “BS11” on the first sub-network (Fig 17) (Col 28, lines 45-55);

(d) sending the message toward the first node without sending the message to a different sub-network (Col 11, lines 35-45); (The update occurs within the sub-domain of root router).

whereby (a) - (d) proceed without requiring receipt of information from the home agent (Col 7, lines 45-60).

In claim 2, La Porta teaches about a method of claim 1, wherein the network layer address of the first node comprises an Internet Protocol address (Col 28, lines 30-40).

In claim 3, La Porta teaches about a method of claim 1, wherein the router comprises a foreign agent configured to de-tunnel “stripping the addresses” messages received from the home agent (Col 34, lines 30-35).

In claim 4, La Porta teaches about a method of claim 1, further comprising: identifying a link layer address of the first node “outgoing interface”, and wherein sending the message from the router toward the first node comprises sending the message via the link layer address (Col 28, lines 30-40). (Outgoing interface is associated with the port physical address).

In claim 5, La Porta teaches about a method of claim 1, further comprising:

modifying a routing table to include an entry for the network layer address of the first node (Col 28, lines 30-50).

In claim 6, La Porta teaches about a method of claim 1, wherein the first node comprises a wireless node (Col 28, lines 25-30).

In claim 7, La Porta teaches about a method of claim 1, further comprising:  
advertising the availability of the router to the first node (Col 9, lines 45-55) (Col 21, lines 30-40). (The issuing of a foreign IP address indicates availability of the router).

In claim 8, La Porta teaches about a method of claim 1, wherein attempting to notify comprises determining whether a message can reach the home agent (Col 24, line 65- Col 25, line 10).

In claim 9, La Porta teaches about a method of claim 1, wherein attempting to notify comprises a failed attempt (Col 24, line 65- Col 25, line 10).

In claim 10, La Porta teaches about a computer program product, disposed on a computer readable medium, for use in delivering network messages, computer program including instructions for causing a processor to (Fig 17):

(a) receive at a router "R8" on a first sub-network a network layer address for a first node on the first sub-network (BS11, BS12), the first sub-network being a topologically foreign sub-network "new base station" with respect to the network layer address of the first node (Fig 17) (Col 28, lines 25-55);

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(b) attempt to notify a home agent on the first node's topological home sub-network of the network layer address of the first node (Col 9, lines 1-15); (For tunneling to take place in this scenario there had to be some exchange of information as to the new location of the mobile device).

(c) receive at the router a message "path setup message" having a network layer destination address of the first node "IP address for mobile device 144", the message being received from a second node "BS11" on the first sub-network (Fig 17) (Col 28, lines 45-55);

(d) send the message toward the first node without sending the message to a different sub-network (Col 11, lines 35-45). (The update occurs within the sub-domain of root router)

whereby (a) - (d) proceed without requiring receipt of information from the home agent (Col 7, lines 45-60).

In claim 11, La Porta teaches about a computer program of claim 10, wherein the network layer address of the first node comprises an Internet Protocol address (Col 28, lines 30-40).

In claim 12, La Porta teaches about a computer program of claim 10, wherein the router comprises a foreign agent configured to de-tunnel "stripping the addresses" messages received from the home agent (Col 34, lines 30-35).

In claim 13, La Porta teaches about a computer program of claim 10, further comprising instructions for causing the processor to:

identify a link layer address of the first node, and wherein the instructions for causing the processor to send the message from the router toward the first node comprise instructions for causing the processor to send the message via the link layer address (Col 28, lines 30-40). (Outgoing interface is associated with the port physical address).

In claim 14, La Porta teaches about a computer program of claim 10, further comprising instructions for causing the processor to modify a routing table to include an entry for the network layer address of the first node (Col 28, lines 30-40).

In claim 15, La Porta teaches about a computer program of claim 10, wherein the first node comprises a wireless node (Col 28, lines 25-30).

In claim 16, La Porta teaches about a computer program of claim 10, further comprising instructions for causing the processor to advertise the availability of the router to the first node (Col 9, lines 45-55) (Col 21, lines 30-40). (The issuing of a foreign IP address indicates availability of the router).

In claim 17, La Porta teaches about a computer program of claim 10, wherein the instructions for causing the processor to attempt to notify comprise instructions for causing the processor to determine whether a message can reach the home agent (Col 24, line 65- Col 25, line 10).

In claim 18, La Porta teaches about a method for use in delivering network messages between mobile nodes (BS11, BS12) on a first sub-network, the first sub network being topologically foreign to each of the mobile nodes, the method comprising (Fig 17):

(a) advertising the availability of a foreign agent on the first sub-network (Col 9, lines 45-55) (Col 21, lines 30-40); (The issuing of a foreign IP address indicates availability of the router).

(b) establishing local bindings between the foreign agent and the mobile nodes, the local bindings associating a network layer address of the mobile nodes with a link layer address of the mobile nodes (Col 28, lines 30-40); (Outgoing interface is associated with the port physical address).

(c) attempting to notify the mobile nodes' respective home agents of the mobile nodes attachment to the first sub-network (Col 9, lines 1-15); (For tunneling to take place in this scenario there had to be some exchange of information as to the new location of the mobile device).

(d) receiving at the foreign agent a message from one of the mobile nodes having a network layer destination address of one of the other mobile nodes (Col 35, lines 10-25); and

(e) sending the message to the mobile node having the network layer destination address without sending a message to one of the respective home agents (Col 11, lines 35-45); (The update occurs within the sub-domain of root router)

whereby (a) - (e) proceed without requiring receipt of information from the respective home agents. (Col 7, lines 45-60).



*Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No.6,195,705 by Leung, teaches about a mobile IP mobility agent standby protocol.

US Patent No.5,86,345 by Okanou et al., teaches about a system for location multicasting and database management for mobile sessions in any computer sub networks without using a home router of a home sub network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM A CUCHLINSKI JR can be reached on (703)308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 28, 2004

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